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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

MAY 20 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

Implementation of the Local Competition
Provisions in the Telecommunications Act
of 1996

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) CC Docket No. 96-98
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**SECOND ROUND COMMENTS OF THE ASSOCIATION
FOR LOCAL TELECOMMUNICATIONS SERVICES**

The Association for Local Telecommunications Services ("ALTS") hereby submits these comments on "Public Notice of Technical Changes" (§ 189), "Dialing Parity" (§ 202), "Access to Rights-of-Way" (§ 220), and "Number Administration" (§ 250), in response to the Commission's Notice of Proposed Rulemaking ("Interconnection NPRM") released April 19, 1996, in the above proceeding.¹

I. PUBLIC NOTICE OF TECHNICAL CHANGES -- §§ 189-194

Section 251(c)(5) of the Telecommunications Act of 1996 ("1996 Act"), requires incumbent local exchange carriers ("ILECs") to provide "reasonable public notice of changes in the information necessary for the transmission and routing of services" The Interconnection NPRM tentatively concludes

¹ ALTS is the national trade association of over thirty facilities-based competitive providers of access and local exchange services.

that

"(1) 'information necessary for transmission and routing' should be defined as any information in the LEC's possession that affects interconnectors' performance or ability to provide services; (2) 'services' should include both telecommunications services and information services as defined in sections 3(46) and 3(20), respectively, of the 1934 Act, as amended; and (3) 'interoperability' should be defined as the ability of two or more facilities, or networks, to be connected, to exchange information, and to use the information that has been exchanged." (¶ 189)

ALTS supports the Interconnection NPRM's tentative conclusion, with the caveat that the definition of "services" should not be needlessly restrictive.² In order for

² See proposed Rule 406 in Attachment A to ALTS' comments in this proceeding filed May 16, 1996:

"Notice of Changes

"(a) Each incumbent local exchange carrier has the affirmative duty to provide public notice to other telecommunications carriers and information service providers of changes in the information necessary for the transmission and routing of services using the incumbent local exchange carrier's facilities or network.

"(b) The public notice required by paragraph (a) shall include all information relative to the physical and technical aspects of the incumbent local exchange carrier's network that would affect the ability, or the manner in which another telecommunications carrier or information service provider would interconnect with or use the incumbent local exchange carrier's network for the provision of any communications service. Such notices shall also include any information on changes to the carrier's network that would affect another carrier's performance.

"(c) The public notice required by paragraph (a) shall include, at a minimum, the name of the incumbent local exchange carrier, a name and telephone or fax number of a person to contact for further information, the date(s) the change(s) are scheduled to occur, the location of the change(s), a general description of the technical or other change(s) that are scheduled to occur, and a brief summary of the effect that the incumbent local exchange carrier expects the change will have on other carriers.

(continued...)

interconnection to function properly, ILECs need to announce changes that affect any service provided over their networks, or those of their competitors. Customers simply will not accept the excuse that "We're sorry, but your service didn't fit the definition in sections 3(46) and 3(20) of the Telecommunications Act of 1934."

ALTS also agrees with the tentative conclusion that ILECs should disclose all information relating to network design and technical standards (¶ 190). The four categories of specific information identified by the Interconnection NPRM to implement this requirement are a good start, but the final rules need to emphasize that they are only exemplary, not all-inclusive.

Public notice should be provided, initially, by the means tentatively recommended in the Interconnection NPRM (¶ 191). However, the Commission should also require more up-to-date forms of notification, such as the Internet page notification

²(...continued)

"(d) The public notice required by paragraph (a) must be sent by first class mail to each carrier with whom the incumbent local exchange carrier has an agreement relating to interconnection, unbundled network elements or any other agreement relevant to the proposed change. Such notice shall also be sent by first class mail to ATIS and Bellcore.

"(e) Each incumbent local exchange carrier shall also either establish its own or a shared address on the Internet where all its public notices can be accessed. Information of the Internet address shall also be provided to ATIS and Bellcore.

"(f) The public notice required by paragraph (a) shall be released a reasonable amount of time prior to the proposed change(s) are scheduled to occur. Notice that is mailed six months prior to the proposed change shall be presumed to be reasonable."

identified in the Interconnection NPRM, in order to reduce dependency on the existing industry forums. The current time limits for reasonable disclosure of interconnection information are a sensible point of departure (¶ 192), provided the Commission recognizes that individual CLECs and ILECs are free to negotiate specific requirements (the Section 251(c)(5) obligation is expressly subject to the "good faith" negotiation requirement of Section 251(c)).

II. DIALING PARITY -- ¶¶ 202-219

ALTS agrees with the Interconnection NPRM's tentative conclusion that the "dialing parity" requirements of Section 251(b)(3) apply to "all telecommunications services that require dialing to route a call" (¶ 206), and that "a LEC is required to permit telephone exchange service customers within a defined local calling area to dial the same number of digits to make a local telephone call, notwithstanding the identity of a customer's or the called party's local telephone service provider" (¶ 211; see proposed Rule 303(a) infra).³

³ ALTS' comments filed May 16, 1996, in this proceeding proposed the following regulations for dealing with dialing parity (Attachment A; proposed Rule 303):

"Dialing Parity

"(a) All local exchange carriers shall provide dialing parity for all telecommunications services that require dialing to route a call. All local exchange carriers shall permit end users within a defined calling area to dial the same number of digits to make a telephone exchange service call or telephone service call, regardless of the identity
(continued...)

Because the specifics of dialing parity implementation are already being formulated in several states, ALTS is not proposing nationwide technical details or schedules at this time. However, ALTS does oppose the suggestion that competitive carriers should be solely responsible for customer notification (¶ 213). To the extent any customer notification is deemed necessary, it should be the responsibility of all serving carriers.

The Interconnection NPRM's tentative conclusions that "'nondiscriminatory access' means the same access that the LEC receives with respect to such services" (¶ 214), and that

³(...continued)

of an end user's or the called party's telecommunications carrier.

"(b) Subject to the full implementation of section 251(e)(1), a local exchange carrier responsible for the administration and assignment of telephone numbers shall provide access to such numbers in the same manner that it provides itself access to such numbers.

"(c) A local exchange carrier shall permit end users of any local exchange carrier operating within the same defined local calling area to access its directory assistance service and obtain a directory listing in the same manner that it permits its end user to access such service and obtain such listing, including no unreasonable dialing delays.

"(d) All local exchange carriers shall enable their end users to connect to an operator by dialing `0' or `0' plus the desired telephone number. A local exchange carrier shall provide all other local exchange carriers within the same defined local calling area access to its operator services on the same basis it provides such services to itself, including no unreasonable dialing delays without charge.

"(e) For purposes of this section, the term 'no unreasonable dialing delays' refers to the period that begins when an end user completes dialing a call and ends when a ringing tone or busy signal is heard on the line."

"competing telecommunications providers must be provided access to telephone numbers in the same manner that such numbers are provided to incumbent LECs" (¶ 215), are clearly correct (see proposed Rule 303(c)).⁴

Concerning the definition of "dialing delay," ALTS submits it should be defined from the time an end user completes dialing to the point where a network response (ringing, busy, operator answer, etc.) is first heard (see proposed Rule 303(e)).

III. ACCESS TO RIGHTS-OF-WAY -- ¶¶ 220-225

ALTS submits that the Commission's approach to the requirements of Sections 251(b)(4) and 224(f) concerning access to rights-of-way should parallel the Interconnection NPRM's pro-competitive approach to other statutory requirements (¶ 222). The fact that the duty imposed in Section 224 pertains to utilities rather than ILECs does not alter the need for robust enforcement. Now that electric utilities are creating telecommunications subsidiaries and openly exploring their opportunities as competitive carriers,⁵ the Commission should anticipate that vigorous enforcement of the rights-of-way obligation should fall on ILECs and electrics.

⁴ ALTS believes that the duty to provide nondiscriminatory access to operator services could only be effectively discharged through resale of such services to competitors (¶ 216).

⁵ See In the Matter of Implementation of Section 34(a)(1) of the Public Utility Holding Company Act of 1935, as added by the Telecommunications Act of 1996 ("PUHCA NPRM"), GC Docket No. 96-101, NPRM released April 25, 1996.

Unfortunately, the ILEC and electric utility track record strongly underscores the need for tight standards on rights-of-way. Members of ALTS report that the pole attachment rates charged to CLECs are appreciably higher than those charged CATV providers -- sometimes several times higher -- and considerably in excess of rates based on TSLRIC pricing. Furthermore, some ILECs apparently deny access to building riser, vault or similar space needed to reach the network demarcation point.

ALTS believes that the right-of-way rules should provides access equally to all entitled entities and their affiliates on the same basis as the controlling company provides access to itself, and that right-of-way should be defined to include all poles, ducts, conduits and rights-of-way owned or controlled by the incumbent, including building risers, vault access and building entrance facilities, regardless of how the legal title over such facilities is held. Furthermore, any negotiations over such obligations should be made subject to a good-faith negotiation requirement applied to both sides; such negotiations should be commenced within thirty days of receipt of a bona fide request; and any existing agreements may be reopened under the Commission's new rules.

Capacity issues are likely to be a contentious point. The Commission should place the burden of proof as to capacity limits upon the controlling entity. Similarly, allegations of safety or

reliability must be based on recognized multi-industry standards, and claims of "reserved capacity" must be based on documentation presented to and approved by the relevant state authority.

IV. NUMBER ADMINISTRATION -- ¶¶ 250-259

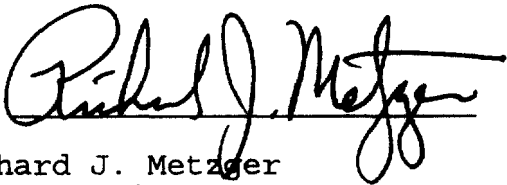
ALTS agrees with the Interconnection NPRM's tentative conclusion that the NANP Order satisfies the requirement of Section 251(e)(1) that the Commission must designate an impartial number administrator, as soon as that designation is accomplished, and assuming representation is not skewed towards particular industry segments (¶ 252). ALTS also agrees with the Interconnection NPRM's tentative conclusion that the Commission retains plenary authority over "all facets of numbering administration" (¶ 254), and that costs "must be borne by all telecommunications carriers on a competitively neutral basis" (¶ 259).

ALTS - May 16, 1996

CONCLUSION

For the foregoing reasons, ALTS requests that the Commission adopt proposed rules as described above.

Respectfully submitted,

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May 20, 1996

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Second Round Comments of the Association for Local Telecommunications Services was served May 20, 1996 on the following persons by First-Class Mail or by hand service, as indicated.


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